

WORKFORCE CONNECTION OF CENTRAL NEW MEXICO BOARD BYLAWS

Article 1 - Establishment

1.01 The Workforce Connection of Central New Mexico Board (“WCCNM”) is established in accordance with the United States Workforce Investment Act (“WIA”) of 1998 and the New Mexico Workforce Development Act (“NMWDA”). The function of the WCCNM is to assist the chief elected officials of the Local Area (“CEOs”) by carrying out the many WIA functions, specifically, those of planning, coordinating and monitoring provision of programs and services.

1.02 These Bylaws are established in a manner consistent with the CEO Agreement executed on or about October 27, 2003 to implement the WCCNM entered into by the CEOs of the WCCNM. The operating agreement outlines the roles and responsibilities of the CEOs and the WCCNM members.

Article 2 - Jurisdiction

2.01 The WCCNM comprises Bernalillo, Sandoval, Torrance and Valencia Counties (the “Local Area”).

Article 3 - Purpose

3.01 The WCCNM is responsible for coordinating activities in the Local Area to accomplish the following:

- A. Increase employment, retention, occupational skills and earnings of the workforce;
- B. Reduce welfare dependency;
- C. Enhance productivity and competitiveness of New Mexico’s business and

industry; and

D. Encourage continuous improvement in worker preparation and development from kindergarten through adulthood.

Article 4- Duties and Responsibilities

4.01 Objectives. The objectives of the WCCNM are to carry out functions and responsibilities according to the WIA and the NMWDA, and their rules and regulations. Those functions and responsibilities include:

A. Maintaining the local Workforce Development Plan (Local Plan) and updating the plan annually;

B. Selecting One-Stop operators with the agreement of the CEOs, to include designation and certification, termination and decertification in accordance with terms of the contract or for cause;

C. Selecting eligible youth service providers based on the recommendations of the Youth Council, and;

D. Identifying eligible providers of adult and dislocated worker intensive services and training services, and maintaining a list of eligible providers with performance and cost information;

E. Identifying eligible providers of training services for inclusion on the statewide eligible provider list and identifying eligible providers of intensive services, to include intensive services for adult and dislocated worker. The WCCNM may provide these services by awarding contracts;

F. Program monitoring and oversight in partnership with the CEOs;

G. Developing a budget for the purpose of carrying out the duties of the WCCNM, subject to the approval of the CEOs;

H. Negotiating and reaching agreement on local performance measures with the CEOs and the State of New Mexico WIA Administrative Entity and instituting these performance measures to assess the effectiveness of all workforce investment activities;

I. Assisting the Governor in developing the statewide employment statistics system under the Wagner-Peyser Act;

J. Coordinating Workforce Development activities with economic development strategies and developing employer linkages;

K. Promoting private sector involvement in the Statewide Workforce Development system through effective connecting, brokering, and coaching activities through intermediaries, such as the One-Stop operator in the Local Area or through other organizations, to assist employers in meeting hiring needs;

L. The WCCNM, in cooperation with the CEOs, may recommend to the CEOs names of individuals to serve on the Youth Council;

M. Carrying out regional planning responsibilities required under WIA in the Local Area.

4.02 Conduct of Business.

A. The WCCNM will conduct business in an open manner as required by WIA by making available to the public, on a regular basis through open meetings, information about the activities of the WCCNM, including information about the local plan before submission of the Plan, and about membership, the designation and certification of One-Stop operators, and the

awards of grants or contract to eligible providers of youth activities, and on request, minutes of formal meetings of the WCCNM. Minutes are to be provided to the CEOs as required under the CEO Agreement.

B. The WCCNM will identify all other agencies involved with workforce development and develop linkages to ensure coordination and prevent duplication of services.

C. The WCCNM will administer local activities with funds set aside for administration as prescribed by law. The WCCNM may contract with any public or private entities as necessary to further the directives of WIA.

D. The WCCNM will enter into Memorandum of Understandings with the local One-Stop partners.

E. The WCCNM shall employ an administrative entity and fiscal agent to provide execution of the duties assigned through law or these bylaws, with approval of the CEOs.

F. The WCCNM will support the state Workforce Development Board through the collection and input of local employment statistics in support of a statewide employment statistics system;

G. The WCCNM will provide oversight and monitoring of all workforce related activities in the local area.

Article 5 – WCCNM Board

5.01 Appointment. The CEOs will appoint the WCCNM from the individuals nominated as required by the WIA.

5.02 Membership. The WCCNM consists of the following members:

A. **Business Members.** A majority of the members must consist of representatives

from businesses in the Local Area. Business members will come from each county in the Local Area and reflect the employment opportunities of the Local Area. Business members should have optimum policy-making or employment authority for the business organizations they represent. One business member will represent private-sector Economic Development.

B. **K-12 Education.** Two members must represent K-12 education in the Local Area. These members will represent local educational entities, including educational agencies, school boards and adult education and literacy.

C. **Post-Secondary, Vocational Education.** One member must represent post-secondary, vocational education in the Local Area. This member may also be counted as a representative of K-12 education if the individual satisfies the requirements of K-12 educational member.

D. **Labor.** Two members must represent the Central New Mexico Central Labor Council - AFL-CIO.

E. **Community-Based Organizations.** Two members must be representatives of community-based organizations from the Local Area. These community members are to have a strong ties to workforce development, serve a large portion of the Local Area and represent diverse aspects of the population.

F. **Economic Development.** One member must represent public sector economic development in the Local Area.

G. **One-Stop Partners.** One member must represent each One-Stop Partner. The One-Stop Partners include: New Mexico Department of Labor, New Mexico Department of Human Services, including (TANF), New Mexico Division of Vocational Rehabilitation, New

Mexico Commission for the Blind, New Mexico Department of Education (Adult Basic Education or Literacy), New Mexico Older Workers, Native American Grants, Job Corps, United States Department of Housing and Urban Development (Employment and Training).

H. **CEO.** One CEO from the Local Area will represent the CEOs.

5.03 Diversity. In recommending or nominating to the Board, recommending bodies and all nominating committees must consider categorical representations, gender, ethnicity, and geographical representations.

5.04 Terms.

A. Each WCCNM member will serve a term of two years. A member may serve two consecutive terms.

B. Members will be appointed so as to assure that the WCCNM is staggered with one-half of the WCCNM, or as close thereto as possible, appointed annually.

5.05 Change of Status.

A. WCCNM members who experience a change of status as per the WIA (i.e.: employment or residency) must inform the chair of such change in status.

B. WCCNM members will certify annually that they fulfilled the requirements of the category they represent. The chair will develop a certification process.

C. In addition the WCCNM members shall be certified as eligible on an annual basis by the CEOs.

5.06 Removal.

A. WCCNM members shall serve at the pleasure of the CEOs.

B. A WCCNM member is automatically removed from the Board if such member

does not meet the requirements of the particular membership category for which he or she was appointed. The chair shall inform the CEOs, the WCCNM and the individual in question that the individual has been removed from the Board.

C. Any member who misses three consecutive regular meetings of the WCCNM shall be removed.

D. Any member may be removed by the CEOs for violating any policy or procedure as provided in WCCNM's Program, Policy and Procedure Manual.

5.07 Vacancy. An appointment to fill a vacant position on the WCCNM will be made by the CEOs. The new member will serve for remainder of the vacant term.

5.08 Quorum. The majority of the current WCCNM board membership constitutes a quorum for the transaction of business and a quorum must be maintained to conduct official business.

5.09 Voting. The affirmative vote of the majority of the WCCNM members present constitutes an official act of the WCCNM. Voting by proxy is not permitted.

Article 6 - Officers

6.01 Officers. The officers of the WCCNM include a Chair, a Chair-elect, a Secretary and a Treasurer. The office of Secretary is the Chief Officer of the Administrative Entity and Fiscal Agent.

6.02 Chair.

A. The chair must be a business member.

B. The chair has the authority to:

(i) Preside at all meetings;

(ii) Appoint members to all committees and task forces;

- (iii) Appoint chairs of all committees and task forces;
- (iv) Preserve order and decorum;
- (v) Review the proposed agenda;
- (vi) Decide all questions of order, subject to member's right to appeal to the board and/or committee as a whole;
- (vii) Speak to points of order in preference to other members;
- (viii) Speak on general questions from the chair;
- (ix) Announce the result promptly on the completion of every vote;
- (x) Sign all resolutions and other formal written actions passed; and
- (xi) Impose at his or her discretion, a time limit on presentations made at meetings.

6.03 Chair-Elect. The chair-elect must be a business member. The chair-elect will perform the duties of the chair in the absence of the chair and all other duties assigned by the chair. The chair-elect will assume the position of chair at the end of the chair's term.

6.04 Secretary. The secretary of the Board will be the chief officer of the WCCNM's administrative entity and fiscal agent. The Secretary shall ensure that the minutes of all meetings are recorded and that all books and records are maintained and perform all the duties incident to those of a secretary of a private corporation. The Secretary is not a voting member of the WCCNM Board.

6.05 Treasurer. The treasurer must be a member of the WCCNM and is responsible for reviewing financial management, budget, accounting, auditing relating to WCCNM.

6.06 Term. All elected officers will serve a term of one year. Elected officers may only serve

two consecutive terms in the same position.

6.07 Removal. An elected officer will be removed if he or she no longer meets the requirement of the elected position, and may be removed by the WCCNM for malfeasance in office, neglect of duties, or for cause.

6.08 Vacancy. The WCCNM will fill any elected officer vacant position and the individual elected will serve the balance of the term of the former officer.

Article 7 - Meetings

7.01 Regular Meetings. The WCCNM will meet at least once each quarter at a time and location to be determined at the prior meeting.

7.02 Special Meeting. The chair may call a special meeting at a time and place to be determined in the call of the meeting.

7.03 Emergency Meeting. The chair has sole discretion of calling an emergency meeting.

7.04 Time and Place. All meetings will be held in the Local Area at a place, time and date determined by the Chair.

7.05 Open Meeting Requirements. All WCCNM meetings will be in compliance with the New Mexico Open Meetings Act.

7.06 Notice. Once a meeting date, time and location of a meeting have been determined, the secretary will send the WCCNM members notice of such meeting at least five days before a regular meeting, three days before a special meeting and twenty-four hours before an emergency meeting.

7.07 Electronic or Telephonic Notification. Any combination of telephone calls, e-mail notices or facsimile correspondence may be used to notify each member of a meeting.

7.08 Minutes. The secretary will record the minutes of the proceedings for each WCCNM meeting. Those minutes will be in accordance with the Open Meetings Act. Minutes will document both attendance and official action taken by the WCCNM. The secretary will prepare and distribute draft minutes to each member no later than seven days before regular meetings and three days before special meetings. Prior to the next scheduled regular or special meeting, the minutes and agenda, as well as supporting and informational material of any meeting will be provided to New Mexico Department of Labor for posting on its web site.

Article 8 - Committees

8.01 Standing Committees. Standing committees of the WCCNM include an Executive Committee, a Business Outreach Committee, a Training/Service Provider Committee, and a Performance and Monitoring Committee.

8.02 Executive Committee.

A. The Executive Committee will consist of twelve members as follows:

- 1) WCCNM Chair
- 2) WCCNM Chair-elect
- 3) WCCNM Treasurer
- 4) WCCNM Standing Committee Chairs (3)
- 5) WCCNM CEO Representative
- 6) One WCCNM member from Bernalillo County to be elected by members of Bernalillo County
- 7) One WCCNM member from Sandoval County to be elected by members of Sandoval County
- 8) One WCCNM member from Valencia County to be elected by members of Valencia County
- 9) One WCCNM member from Torrance County to be elected by members of Torrance County
- 10) Youth Council Representative (non-voting member, not counted in quorum)

B. **Chair.** The chair of the WCCNM will serve as the chair of the Executive

Committee.

C. The Executive Committee has the authority to act on behalf of the WCCNM on issues that cannot be deferred to the next WCCNM meeting. The Executive Committee will serve as the Board of Finance for the WCCNM, acting on all financial matters including the budget, lease and contracts.

8.03 Training/Service Provider Committee

A. The Training/Service Provider Committee will include no fewer than nine members appointed by the chair from the WCCNM.

B. The Training/Service Provider Committee will review and make recommendations to the Executive Committee on matters related to WCCNM's Training/Service Provider Program.

8.04 Performance and Monitoring Committee.

A The Performance and Monitoring Committee will include no fewer then nine members appointed by the chair from the WCCNM.

B. The Performance and Monitoring Committee will develop performance standards for each program, monitor their progress, and provide oversight to the tracking data collection systems.

C. The Performance and Monitoring Committee will make its recommendations to the Executive Committee.

8.05 Business Outreach Committee.

A. The Business Outreach Committee will consist of no fewer than nine members appointed by the chair from the WCCNM.

B. The Business Outreach Committee will survey employer needs within the region to identify employee retention, training and recruitment issues, and develop linkages with employers and WCCNM partner resources.

8.06 Ad Hoc Committees. The chair may establish ad hoc committees as the chair deems necessary or convenient to conduct WCCNM business. When establishing an ad hoc committee, the chair will indicate the purpose of the committee and the date it will disband.

8.07 Task Forces. The chair of the WCCNM may appoint one or more task forces from the membership of the WCCNM. Task forces may only make recommendations to the WCCNM and may not act on any policy issues.

8.08 Chair. The chair of the WCCNM will appoint the chair of any committee or task force.

8.09 Meetings. Committees will meet at the time and place within the Local Area as determined by the chair of the committee. All meetings of the Executive Committee must comply with the Open Meetings Act.

8.10 Minutes. All committees will keep minutes of their meetings and a summary of such minutes will be made available to the WCCNM and reported to the WCCNM.

8.11 Quorum. A majority of the members of a committee constitute a quorum for the transaction of any business.

8.12 Voting. An affirmative vote of a majority of those committee members present at a meeting constitutes action by that committee. Voting by proxy is not permitted.

8.13 Notice. The chair of a committee will give each member at least twenty-four hours notice of any committee meeting. Notice may be written by mail, e-mail, or facsimile.

Article 9 - Youth Council

9.01 Youth Council. The CEOs will appoint a Youth Council for the Local Area (“Youth Council”). The Youth Council will be established as a subgroup of the WCCNM. The WCCNM, in cooperation with the CEOs, may recommend to the CEOs names of individuals to serve on the Youth Council.

9.02 Officers. The Youth Council shall have a Chair and Vice-Chair selected by the members of the Youth Council. The office of Secretary is the Workforce Administrator of the Administrative Entity and Fiscal Agent.

9.03 Membership. The membership of the Youth Council will include thirteen members: (i) three members of the WCCNM; (ii) two representatives of the youth services agencies including juvenile justice and local law enforcement agencies; (iii) two representatives of local public housing authority; (iv) two parents of eligible youth seeking assistance under the WIA; (v) two individuals, including former participants, and representatives of organizations that have experience relating to youth activities and (vi) two representatives of the Job Corps.

9.04 Relationship to the WCCNM. Members of the Youth Council who are not WCCNM members will be voting members of the Youth Council and nonvoting members of the WCCNM.

9.05 Duties. The duties of the Youth Council include the following: (a) developing portions of the local plan relating to eligible youth, as determined by the WCCNM Chair; (b) recommending eligible providers of youth activities to the WCCNM to be awarded grants or contracts on a comprehensive basis by the WCCNM to carry out youth activities in the Local Area; (c) conducting oversight with respect to such youth service providers awarded grants or contracts by the WCCNM; (d) coordinating youth activities authorized in the Local Area; and (e)

other duties determined to be appropriate by the WCCNM chair.

Article 10 - Policies and Procedures

The WCCNM shall promulgate policies and procedures that will be followed in conducting its business.

Article 11- Code of Conduct

The WCCNM shall promulgate a policy concerning Code of Conduct with respect to the WCCNM, officers and the Youth Council. At a minimum, such policy must provide for conflict of interest, prevention of fraud and abuse, nepotism, prohibited political activities and other related code of conduct issues. The code of conduct shall strive to instill the highest standards of honesty and integrity in handling federal monies with the objective of insuring the highest level of services to clients of the program and proper expenditure of funds pursuant to the Acts, all regulations promulgated thereunder, and all other applicable laws or regulations. Furthermore, for purposes of this policy all officers and chairpersons of committees shall not have any contractual relationship with the WCCNM. The WCCNM shall not enter into any procurement contract for services, construction or items of personal tangible property with a Board member or with a business in which the Board member has an interest unless the Board member has disclosed their interest and unless the contract is awarded in accordance with the competitive bidding or proposal provisions of the Procurement Code and WCCNM policy. Any contract awarded to any WCCNM member must be approved by the CEOs.

Article 12 - Amendment of Bylaws

These Bylaws may be amended or repealed by a two-thirds vote of the WCCNM after notification of such amendments to the full WCCNM membership in compliance with Article 7,

Meetings, of these Bylaws.

PASSED, APPROVED, and ADOPTED AS REVISED by the governing body of the WCCNM this 13th day of December, 2004.

Robert Davey, WCCNM Chair

ATTEST:

Lawrence Rael, Secretary